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Letter dated 27 February 2017 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to submit herewith, for distribution to other Security Council members as a document of the Council, the communiqué of the Government of the Republic of Burundi issued today, Monday 27 February 2017 (see annex), on the advance copy of the report of the Secretary-General on Burundi in circulation in many international media.

(*Signed*) Albert **Shingiro**
Ambassador
Permanent Representative of Burundi to United Nations

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Annex to the letter dated 27 February 2017 from the Permanent Representative of Burundi to the United Nations addressed to the President of the Security Council

[Original: English and French]

Communiqué of the Government of Burundi on the report submitted to the Security Council

27 February 2017

The Government of Burundi has learned via the media that a report on the situation in Burundi was submitted to the Security Council and is due to be issued this Monday, 27 February 2017. Not having been officially notified of the report, the Government of Burundi cannot claim to know the details of its content; however, it would like to communicate the following:

1. The Government of the Republic of Burundi is pleased with the work done in conjunction with the United Nations, particularly since the 2000s. Cooperation with the Organization has always been good and Burundi, for its part, hopes that it will continue in the same vein.

However, the Government of the Republic of Burundi regrets that certain lobbies whose interests and positions are recognized as being against Burundi appear to hold sway over certain United Nations bodies, to the extent that they influence some reports.

The latest report submitted to the Security Council, which was made widely available to the public well in advance of its publication by the French media, is the most telling illustration of this.

2. The Government of Burundi would like to remind the Secretary-General that it has officially disavowed the author of the report, Mr. Jamal Benomar. Therefore, he is incapable of submitting a report on Burundi that is objective or balanced, if only from a moral standpoint.

3. The report refers to unsubstantiated facts and makes allegations about the intentions of the highest authorities of the Republic. For example, the reference to the President's "fourth term" is incomprehensible because, to date, no official United Nations report has endorsed the third-term theory supported by the insurgents. Thus, Mr. Jamal Benomar has finally stepped out of the shadows, publicly revealing his true motives.

It should be recalled that the Arusha Peace and Reconciliation Agreement for Burundi is being fully implemented by all the institutions of the Republic, and that any allegations to the contrary are made in bad faith.

4. The Government of Burundi would like to take this opportunity to emphasize that Security Council resolution 173 (1962) of 26 July 1962, by which Burundi was admitted to full membership in the United Nations, accords it all the benefits and rights granted to the other Members of this prestigious family.

5. This being the case, the issue of the Constitution raised in the report is a matter of Burundi's sovereignty, absent the existence of an *erga omnes* Security Council resolution that would clearly establish the number of terms for which leaders of all Member States might hold office, as well as a standard constitutional document that all States of the world had to adopt and respect.

6. In the absence of such a resolution, the United Nations should recall the two sacrosanct principles which are integral to its basic instruments: the sovereign equality of States and the self-determination of peoples. It was on the basis of these two principles that Burundi joined the United Nations community, after having endured nearly 70 years of foreign occupation and the humiliation that accompanied it.

7. The Government of Burundi would also like to recall that the Security Council is governed by rules that apply equally and equitably to all States Members of the United Nations. The use of double standards should cease if this prestigious institution wishes to keep its good reputation.

8. It was for these reasons that the Government of the Republic of Burundi rejected Security Council resolution 2303 (2016), which was adopted under Chapter VI of the Charter of the United Nations following a flagrant lack of prior consultations, which are essential if such a resolution is to be implemented. The United Nations should consider Burundi a sovereign State, as it does its other Members, and should treat it accordingly. If no State is above the rules of the United Nations, then no State can be treated as though it were beneath them either.

9. The Government of the Republic of Burundi considers the reference to the Office of the United Nations High Commissioner for Human Rights to be inappropriate, since to date there has been no follow-up to the draft host country agreement which is to govern its relationship with the Office of the High Commissioner, and which was sent to those whom it concerns.

10. In this connection, the Government of the Republic of Burundi calls on the Security Council to be logical. While the Government is waiting to be consulted regarding the appointment of Mr. Benomar's replacement, who will be responsible for negotiating the host country agreement, it seems inopportune to attack the Government of the Republic of Burundi over the issue of the host country agreement with the Office of the Special Adviser to the Secretary-General. Thus the ball is not in the court of the Government of the Republic of Burundi, which is waiting for a response to the question submitted to the Secretary-General.

11. Lastly, the Government of Burundi reaffirms its commitment to continuing its cooperation with the international community, particularly the United Nations, on a basis of mutual respect for the rules that govern Member States, especially those relating to the independence and sovereignty of peoples.

Philippe **Nzobonariba**
Government Secretary General and spokesperson